



PLANNING COMMISSION AGENDA

NAT DIBUDUO, Chair

Commission Members
LEE BRAND, Vice Chair
NUEL BROWN
JEFFREY HARRINGTON
HAL KISSLER
CHARLES VANG

Planning and Development
Director/Secretary
NICK P. YOVINO

Deputy City Attorney
MICHAEL SLATER

The Planning Commission welcomes you to this meeting.

March 19, 2003

Wednesday

6:00 p.m. to 9:30 p.m.

COUNCIL CHAMBER

2600 FRESNO STREET

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call Planning and Development staff at 621-8277.

Metered parking is in effect throughout the downtown area. The general public wishing to attend a Planning Commission meeting at City Hall may park after 5 p.m. in the parking lot at the northeast corner of Tulare and P Streets or in the parking lot east of City Hall across the railroad tracks. Both parking lots have entrances from Tulare Street, and parking restrictions have been relaxed in these lots for those in attendance at the Planning Commission meeting.

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. PROCEDURES

In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all testimony given will be limited to five minutes per person. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with a soft bell ring when one minute is remaining. The speaker should be completing the testimony by the time the red light comes on with a final bell indicating that time has expired.

If you challenge these land use matters in court, you may be limited to raising only those issues you or someone else raised in oral or written testimony at or before the close of the hearing.

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing.

IV. AGENDA APPROVAL

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

V. CONSENT CALENDAR

All Consent Calendar items are considered by the Planning Commission to be routine and will be enacted in one motion. There will be no separate discussion of these items unless requested, in which event the items will be removed from the Consent Calendar and considered prior to approval of the Consent Calendar. If any member of the public wishes to have a specific item removed for discussion, be present when the meeting is called to order and the Chair announces the Consent Calendar. Commission approval of Consent Calendar items for which there is no discussion shall constitute adoption of the staff recommendation.

- A. **Minutes** - Approve minutes for meetings of March 20, 2002 and March 5, 2003.
- B. **Communications**
- C. **Entitlements**

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

- A. Consideration of an appeal of the Planning and Development Director's denial of Variance No. V-02-46, filed by Tim DeYoung, for 9.65 acres located at 2020 South East Avenue on the northwest corner of South East and East California Avenues, relating to the request to maintain an existing 6 foot chain link fence within the required 10 foot landscaped setback. **(Continued from meeting of March 5, 2003.)**
 - 1. No Environmental Assessment was completed per CEQA Section 15270, which statutorily exempts from CEQA "Projects Which Are Disapproved."
 - 2. Variance No. V-02-46, as described above.

- Council District 3 (Councilmember Sterling)
- Staff Member: Sara Gerster
- Staff Recommendation: Deny appeal; deny application
- May be considered by City Council

VIII. NEW MATTERS

- A. Consideration of Plan Amendment No. A-02-07, Rezoning No. R-02-14 and environmental findings, filed by Bruce O'Neal of Land Use Associates on behalf of Saint Agnes Medical Center for 4.01 acres located on the northwest corner of North Spalding and East Spruce Avenues (1150 East Spruce Avenue).
1. Environmental Assessment No. A-02-07, R-02-14, determination of initial study to file a Mitigated Negative Declaration.
 2. Plan Amendment No. A-02-07, requesting an amendment for the 4.01 acre site to the 2025 Fresno General Plan and the Woodward Park Community Plan from the medium-high density residential land use designation to the office commercial land use designation.
 3. Rezoning No. R-02-14, requesting to rezone the 4.01 acre site from the R-2/UGM/cz (Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning) zone district to the C-P (Administrative and Professional Office) zone district.
 - Woodward Park Community Plan Area
 - Council District 6 (Councilmember Duncan)
 - Staff Member: Shelby Chamberlain
 - Staff Recommendation: Approve
 - Will be considered by City Council
- B. Consideration of Plan Amendment No. A-02-22, Rezoning No. R-02-45, Conditional Use Permit No. C-02-241 and environmental findings, filed by Alvin P. Solis/Krazan for Thomas R. Butler, Inc., for 6.22 acres located at 4294 - 5062 West Herndon Frontage Road between Cornelia Avenue and Milburn Avenue alignments.
1. Environmental Assessment No. A-02-22, R-02-45, C-02-241, determination of initial study to file a Mitigated Negative Declaration.
 2. Plan Amendment No. A-02-22, requesting an amendment to the 2025 Fresno General Plan and Bullard Community Plan from the office commercial to the medium-high density residential land use designation.
 3. Rezoning No. R-02-45, requesting to rezone the subject property from the C-P/EA/UGM/cz zone district to the R-2/EA/UGM zone district.
 4. Conditional Use Permit No. C-02-241, requesting to develop a 55 unit multiple family residential development (fifteen single story units and 40 two-story residential units) duplex design.

- Council District 2 (Councilmember Calhoun)
- Staff Member: Lois Johnson
- Staff Recommendation: Approve
- Will be considered by City Council

VIII. NEW MATTERS - Continued

C. Consideration of an appeal of the Planning and Development Director's approval of Conditional Use Permit No. C-02-280 and environmental findings, filed by Honey Baked Ham, for 0.29 acres located at 1056 West Shaw relating to the development of restaurant with alcohol sales (ABC-CUP).

1. Environmental Assessment No. C-02-280, determination of Categorical Exemption.

2. Conditional Use Permit No. C-02-280, as described above.

- Bullard Community Plan Area
- Council District 2 (Councilmember Calhoun)
- Staff Member: Norman Allinder
- Staff Recommendation: Deny appeal; approve application
- May be considered by City Council

D. Consideration of an appeal of the Planning and Development Director's approval of Conditional Use Permit No. C-02-297 and environmental findings, filed by Ted Waldron, for 1.4 acres of real property located at 4747 North First, Suite 120 relating to the development of church.

1. Environmental Assessment No. C-02-297, determination of Categorical Exemption.

2. Conditional Use Permit No. C-02-297, as described above.

- Hoover Community Plan Area
- Council District 4 (Councilmember Castillo)
- Staff Member: Norman Allinder
- Staff Recommendation: Deny appeal; approve application
- May be considered by City Council

VIII. NEW MATTERS - Continued

- E. Consideration of Rezoning No. R-02-27, Conditional Use Permit No. C-02-249, Tentative Tract Map No. T-5101 and environmental findings, filed by Leo Wilson Homes, Inc., for 19.55 acres located on the south side of East Copper Avenue between North Cedar and North Maple Avenues (1749 East Copper Avenue).
1. Environmental Assessment No. R-02-27, C-02-249, T-5101, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130).
 2. Rezoning No. R-02-27, requesting to rezone the entire 19.55 acre site from the AL-20 (County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district.
 3. Conditional Use Permit No. C-02-249, proposing to develop the subject site with a gated single family residential subdivision with private streets.
 4. Vesting Tentative Tract Map No. T-5101, proposing to subdivide the 19.55 acre site into 56 lots.
 - Woodward Park Community Plan Area
 - Council District 6 (Councilmember Duncan)
 - Staff Member: Shelby Chamberlain
 - Staff Recommendation: Approve Tentative Tract Map and Conditional Use Permit applications; recommend approval of Rezone application to City Council
 - Will be considered by City Council
- F. Consideration of Rezoning No. R-02-50 and environmental findings, filed by Don Pickett and Associates for 8.82 acres located at 5676 East Clinton Avenue.
1. Environmental Assessment No. R-02-50, resulted in a finding of Negative Declaration.
 2. Rezoning No. R-02-50, requesting to rezone the subject property from the R-A, Single Family Residential-Agricultural zone district to the M-1, Light Manufacturing zone district.
 - McLane Community Plan Area
 - Council District 5 (Councilmember Dages)
 - Staff Member: Stan Dilbeck
 - Staff Recommendation: Approve
 - Will be considered by City Council

VIII. NEW MATTERS - *Continued*

G. Consideration of Rezoning No. R-02-56 and environmental findings, filed by First American Title, for 0.61 acres located at 4140 North Barton Avenue.

1. Environmental Assessment No. R-02-56, determination of Categorical Exemption.
2. Rezoning No. R-02-56, requesting to rezone the subject property from the M-1/cz zone district to the M-1/cz zone district.
 - McLane Community Plan Area
 - Council District 4 (Councilmember Castillo)
 - Staff Member: Norman Allinder
 - Staff Recommendation: Approve
 - Will be considered by City Council

H. Consideration of an appeal of the Planning and Development Director's denial of Variance No. V-02-41, filed by Gordon and Trudy Pace, for 0.26 acres located at 3817 North Maroa Avenue relating to an illegally constructed overheight fence located on the street property line and within the front yard setback.

1. Environmental Assessment No. V-02-41, determination of a Categorical Exemption.
2. Variance No. V-02-41, as described above.
 - Fresno High-Roeding Community Plan Area
 - Council District 7 (Councilmember Perea)
 - Staff Member: Frank Glaser
 - Staff Recommendation: Deny appeal; deny application
 - May be considered by City Council

IX. REPORT FROM SECRETARY

X. UNSCHEDULED ORAL COMMUNICATIONS

You may address the Planning Commission at the conclusion of the Commission meeting regarding matters of public interest that are not listed on the agenda and that are within the Commission's jurisdiction. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on the Planning Commission agenda should contact the Planning and Development Department, (559) 621-8277, at least 10 days before the desired appearance date.

XI. ADJOURNMENT

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